

to serving corporate interests and conservative causes were irrelevant to the Senate's inquiry and that all nominees should be confirmed if they met basic qualifications. In President Bush's first term, the Senate regularly considered nominations, confirming 205 to lifetime appointments. We remain well behind that pace, having been allowed to consider only 83 of President Obama's nominations in nearly 28 months of his term.

Senate Republicans are now adopting a much different standard—and a shifting one at that. It almost seems like whatever might be claimed to justify strenuous opposition and voting no on an Obama nominee is justified by the end—opposing the President. That is wrong. That is wrong because this President has worked hard to consult with Republican home State Senators. Yet they still oppose them, including President Obama's first nomination that of Judge David Hamilton of Indiana. Despite Senator LUGAR's support, Republicans filibustered that nomination and delayed it for months. They have filibustered five of President Obama's judicial nominations to date.

It is wrong because their actions have created a judicial vacancies crisis that persists to this day. If the 22 judicial nominees Republicans point to as being confirmed this year, 15 should have been confirmed last year and were needlessly delayed. One even required cloture to end an unprecedented filibuster against a Federal trial court nominee.

With judicial vacancies at crisis levels, affecting the ability of courts to provide justice to Americans around the country, we should be debating and voting on each of the 15 other judicial nominations reported favorably by the Judiciary Committee and pending on the Senate's Executive Calendar. The progress we have started to make these last 2 weeks is a sign that the Senate can do better to ensure that the Federal judiciary has the judges it needs to provide justice to Americans in courts throughout the country.

I congratulate Judge Urbanski and his family on his confirmation today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Daily Digest editor proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Michael Francis Urbanski, of Virginia, to be United States District Judge for the Western District of Virginia?

Mr. MANCHIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Indiana (Mr. COATS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 70 Ex.]

YEAS—94

Akaka	Graham	Moran
Alexander	Grassley	Murray
Ayotte	Hagan	Nelson (NE)
Barrasso	Harkin	Nelson (FL)
Baucus	Hatch	Paul
Begich	Heller	Portman
Bennet	Hoeven	Pryor
Bingaman	Inhofe	Reed
Blumenthal	Inouye	Reid
Blunt	Isakson	Risch
Boozman	Johanns	Roberts
Boxer	Johnson (SD)	Rockefeller
Brown (MA)	Johnson (WI)	Rubio
Brown (OH)	Kerry	Sanders
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Lee	Thune
Coons	Levin	Toomey
Corker	Lieberman	Udall (CO)
Cornyn	Lugar	Udall (NM)
Crapo	Manchin	Warner
DeMint	McCain	Webb
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Feinstein	Menendez	Wyden
Franken	Merkley	
Gillibrand	Mikulski	

NOT VOTING—6

Burr	Cochran	Murkowski
Coats	Hutchison	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### MORNING BUSINESS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business for debate only until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that I may speak for up to 20 minutes, followed immediately by Senator ISAKSON for such time as he may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ETHICS COMMITTEE REPORT ON FORMER SENATOR JOHN ENSIGN

Mrs. BOXER. Mr. President, yesterday the Senate Ethics Committee voted unanimously to release the special counsel's report regarding the actions of former Senator John Ensign.

The committee also voted unanimously to refer several findings to the Department of Justice and to the Federal Election Commission because we had reason to believe that Senator Ensign violated laws within their jurisdiction. I want to thank from the bottom of my heart the Senators who participated in this investigation, many of whom are on the floor today: my vice chairman, the extraordinary leader, Senator ISAKSON—and I say leader, I mean a leader on the committee. I consider him to be a cochair with me. And Senator ROBERTS, who has been on this committee for a long time, who has a sense of history, and a sense of levity, and pragmatism. I appreciated his cooperation.

I want to note the participation of SHERROD BROWN, who came on this committee and began this journey with us and his very important contribution; Senator RISCH, who brought with him a very strong legal slant on everything we did and was very valuable. I want to thank him.

I want to say a special word of thanks to Senator CARDIN who sat in on this case because Senator PRYOR felt he had too close a relationship with Senator Ensign and had to recuse himself. Senator CARDIN, we thank you so much for coming in and focusing on this case. I have to say, I am so grateful to how thoroughly and hard and collaboratively we all worked during this 22-month investigation. I say—and I mean—it was an honor to work with my colleagues.

The Ethics Committee is unique. Its staff is nonpartisan, and its actions are bipartisan. That is so important always, but particularly during these very polarized times, and also because this was such a long and difficult investigation for many reasons.

I want to be clear about why the committee is releasing its report to the public and why Senator ISAKSON and I are addressing the Senate today. If any of our colleagues wish to add to our comments, I hope they will do so. While Senator Ensign's resignation ended our investigation before the next phase, which was the adjudicatory phase or the trial phase, it did not end our profound responsibilities to the Senate, to our laws, to our rules, to our Constitution, and, of course, to the American people.

Article 1, section 5, clause 2 of the Constitution of the United States says that: "each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." That is in the Constitution.

Senate rules give the Ethics Committee responsibility to investigate alleged violations of laws and rules and